(2) Supreme Court, U.S.
FILED

041420 FEB 28 2005

OFFICE OF THE CLERK

No.

In The

Supreme Court of the United States

United States of America, and;
State of California, and;
ex rel. Miro J. Satalich,
Petitioner(s),

v.

City of Los Angeles
Respondent.

On Petition For Writ Of Certiorari to the United States Court of Appeals for 9th Circuit

PETITION FOR WRIT OF CERTIORARI SUPPLEMENTAL APPENDIX

Miro J. Satalich, Pro se
P.O. Box 93314
Phoenix, Arizona 85070-93314
(480) 283-0355

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APPENDIX P

Court Logo
Cathy Catherson

Court Logo
(415) 556-9800

Deputy Clerk
Office of the Clerk
United States Court of Appeals for the Ninth Circuit
95 Seventh Street
Post Office Box 193939
San Francisco, California 94119-3939

January 19, 2005

USDC, Los Angeles
Central District of California, Los Angeles
Office of the Clerk
312 North Spring Street
Los Angeles, CA 90012

No.	Title	Agency/D.C. No.
04-56758	Satalich v. City of L.A.	CV -00-08882-GAF

Dear Clerk.

The following document in the above listed cause is being sent to you under cover of this letter.

- *Certified copy of the Decree of the Court*

The record on appeal will follow under separate cover.

Please acknowledge receipt on the enclosed copy of this letter.

Very truly yours,
Cathy A. Catterson
Clerk of Court

Enclosure(s)
cc: All Counsel

Signed/_____
By: Ruben Talavera

Deputy Clerk

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

No. 04-56758
D.C. No. CV-00-08882-GAF

UNITED STATES OF AMERICA; et al.
Plaintiffs,

and

JUDGMENT

MIRO J. SATALICH,
Plaintiff - Appellant,

v.

CITY OF LOS ANGELES,
Defendant - Appellee.

Appeal from the United States District Court for the Central District of California, Los Angeles.

On consideration whereof, it is now here ordered and adjudged by this Court, that the appeal in this cause be, and hereby is **DISMISSED for lack of jurisdiction**.

Filed and entered Tuesday, November 23, 2004

APPENDIX Q

Link 133, 150,
132, 163 PSend

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES - GENERAL

Case No. CV 00-08882-GAF (PLAx) Date: August 30. 2004
Title: United States ex rel. Satalich v. City of Los Angeles

The Honorable Gary Allen Feess. Judge

Marilynn Morris	**Seal/Docketed on CM**	None Present
Courtroom Deputy	Sep - 1 2004	Clerk Court Reporter
	BY/____ 005	

Attorneys present for plaintiff:
None Present

Attorneys present for defendant:
None Present

PROCEEDINGS: (In Chambers)

The Court recently set a briefing schedule in connection with Plaintiffs motion for, reconsideration of an order issued by the Magistrate Judge in March 2004. Plaintiff has filed a document objecting to Docket Number 157 (the briefing schedule) and 158 (denial of his belated motion to amend). This order responds to these objections, the initial motion for reconsideration of the magistrate's March order, and Plaintiffs pending motion to reopen discovery

A. PLAINTIFF'S OBJECTIONS TO DOCKET ENTRY 157

Plaintiff objects to the Court's briefing schedule on three principle grounds: (1) plaintiff does not believe that the Court did not receive his motion for reconsideration when it was filed; (2) defendant is in "default for not having responded to it; and

(3) he doesn't like the new schedule. Plaintiff's complaints lack merit. A brief description of the background and the applicable local rules disposes of all of them.

On March 17, 2004, Magistrate Judge Abrams denied Plaintiff's motion to compel certain discovery. (Docket Entry 130). On March 29, 2004, the Court Clerk filed a document styled:

To: The U.S. District Court, The Honorable Gary A. Feess, Judge In-Accordance-with-FRCP-Rule-7-4(a).and;
Federal Rules of Evidence, Judicial Notice Rule 201 (a)(b)(1)(2(d) and;
Title 31 U.S.C. § 3733 Civil Invest. Demands
PLAINTIFF'S REQUEST FOR REVIEW AND RECONSIDERATION OF ORDER DATED:
March 17.2004, FOR MOTION TO COMPEL TO:
City of Los Angeles, and; **Docket #165**
Kiewit Pacific, and;

Metcalf & Eddy Services.

MINUTES FORM 11
CIVIL - GEN Initials of Courtroom Deputy Clerk/___
-1-

(Docket Entry 132). Local Rule 7-4 requires that the first page of a motion contain the date and time of the motion hearing because the hearing date, in turn, triggers the automatic briefing schedule set forth in Local Rules 7-9 and 7-10. Because Plaintiffs filing was not properly noticed, the matter was not automatically placed on the Court's calendar. See Local Rule 6-1. Nor was the briefing schedule triggered. Thus, defendant cannot be in default since no schedule was ever set.

Even though Local Rule 7-4 provides that the Court may decline to consider a filing that is not properly noticed, had the Court received the document or even a courtesy copy of the document, it would have set a proper briefing schedule and hearing date. However, Plaintiff's single duplicate copy was forwarded to the magistrate judge and it did not physically reach this Court. The Court cannot consider what it never receives.

Finally, the Court's briefing schedule provided Plaintiff the standard seven days to file a reply to Defendant's opposition. See Local Rule 7-10. Accordingly, Plaintiff's objection to and his request that the Court reevaluate and

reconsider its order setting a briefing schedule in this matter is **DENIED**.

B. PLAINTIFF'S OBJECTIONS TO DOCKET ENTRY 158

Plaintiff also objects to and requests that the Court reevaluate and reconsider a second order issued on August 2, 2004 (Docket Entry 158) denying Plaintiff's belated motion to amend or supplement his complaint. Although Plaintiff should have filed this "request" as a separate motion with a timely hearing date, see Local Rule 6-1, the Court will ignore this defect and consider the motion.

Plaintiff objects to the Court's statement that his complaint contained a "myriad of allegations" as a "denigrating remark." The dictionary indicates that denigrate come from the Latin meaning to defame. A remark cannot be defamatory, however, if true. Considering that the 25-page complaint contains allegations of eavesdropping, entrapment, noncompliance with the amended consent decree, fraud, obstruction of justice, discrimination, harassment, exposure to electrical hazards, and witness tampering, the Court considers the use of the term "myriad" to be accurate.

Plaintiff also argues that the Court lied when it said that he has been given multiple opportunities to submit evidence in support of his contention that certain contracts were paid out of

federal funds. The history of Plaintiff's responses to Defendant's summary judgment motion belies Satalich's attack on the Court. Defendant filed its summary judgment motion on April 12, 2004. After receiving Plaintiff's opposition, which the Court found was insufficient and improperly focused, the Court provided Plaintiff detailed instructions on how to properly oppose the motion and what evidence would be required. (Docket Entry 137). The Court extended Plaintiff nearly a month to file a new opposition. However, instead of filing an opposition Plaintiff filed an improper appeal to the Ninth Circuit (Docket Entry 138). Further, Plaintiff continually tried to file amended or supplemental complaints containing unrelated allegations, even though the Court had instructed him that such complaints would not be accepted. (Docket Entry 135, 140). After the deadline for filing an opposition came and went, the Court construed Plaintiff's silence as a motion to stay proceedings, which it granted [1] (Docket Entry 142, 147). After the stay was lifted, the Court again extended

> [1] The Court notes that because the mere filing of an appeal does not automatically stay proceedings, Plaintiff's failure to either move for a stay or file an opposition constituted grounds for granting Defendant's motion for summary judgment. See Local Rule 7-12.

Plaintiff ample time to file an opposition. (Docket Entry 148). Although Plaintiff did eventually file an opposition, he has yet

to provide actual evidence that a false claim for payment was submitted to the federal government. Thus, the Court stands by its statement that it "has given Plaintiff multiple opportunities to submit evidence."

For the foregoing reasons, to the extent that the "objection" to Docket No. 158 can be construed as a motion, it is **DENIED**.

Finally, the Court also wishes to address Plaintiff's repeated objection that the Court's order limiting discovery to the statute of limitations issue does not encompass documents related to proof that payments for the allegedly defective training were made out of federal government grant monies. (8/20/04 Objection at 5; 7/22/04 Objection at 3). Plaintiff's objection reveals a fundamental misunderstanding of what the "statute of limitations" issue in this case represents. Plaintiff's previous attempt at an opposition focused, among other things, on his contention that the proper statute of limitations period for this case is ten years, rather than the six years argued by Defendant. Clearly, the number of years is a valid issue that must be determined, however, that is a legal issue. There is no need for discovery on this point.

The reason the Court reopened discovery was for the purpose of determining if Plaintiff had any qui tam claims that could possibly survive any applicable statute of limitations. As Plaintiff recognized in his own papers, the statute of

limitations period either begins to run on the date a false claim is submitted or on the date payment is actually made. (4/23/04 Opp. at 5). Defendant has submitted evidence to the Court that none of the contracting work that Plaintiff alleges was insufficient was paid or out of federal funds. Thus, unless Plaintiff can present admissible evidence sufficient to create a triable issue of fact on this point, Plaintiff cannot survive summary judgment regardless of whether the limitations period is six years or ten.

C. PLAINTIFF'S REQUEST FOR RECONSIDERATION OF DOCKET ENTRY 158

Plaintiff seeks reconsideration of the Court's denial of his motion to file an amended or supplemental complaint in this matter. Plaintiff's position is that the Court failed to follow certain guidelines set in place by Congress for discovery under the False Claims Act ("FCA"), 31 U.S.C. § 3729 et seq. Plaintiff appears to argue that certain provisions of the FCA supplant the Federal Rules of Civil Procedure. For support, Plaintiff cites to § 3733, which is titled "Civil Investigative Demands." By its explicit terms, this section only applies to civil investigative demands issued by the Attorney General prior to filing a civil action under § 3720 or other false claims law. See 31 U.S.C. § 3733(a)(1). The statute further states: "The Attorney General may not delegate the authority to issue civil investigative demands under this subsection." Id..

This statute has no application to a motion brought by a private qui tam plaintiff, in an existing civil action, to amend or supplement his complaint pursuant to Rule 15. The Court clearly stated its reasons for denying Plaintiff's motion and declines to further address this issue. Accordingly, Plaintiff's motion for reconsideration is **DENIED**.

D. PLAINTIFF'S MOTION FOR RECONSIDERATION OF THE MAGISTRATE JUDGE'S MARCH 17.2004 ORDER

On March 17, 2004, Magistrate Judge Abrams denied Plaintiff's three motions to compel discovery from non-party Kiewit Pacific Co., non-party Metcalf & Eddy, Inc., and Defendant City of Los Angeles. The motions were denied without prejudice on procedural grounds for failure to comply with Local Rule 37. In addition, the motions were denied without prejudice on substantive grounds.

On March 30, 2004, Plaintiff filed the pending request for reconsideration. Under Federal Rule of Civil Procedure 72(a), a district judge shall consider a party's objections to a nondispositive ruling of a magistrate judge and "shall modify or set aside any portion of the magistrate judge's order found to be clearly erroneous or contrary to law."

1. The FCA Does Not Supplant the Federal Rules of Civil Procedure

Plaintiff contends that the magistrate judge "erroneously ruled in it's [sic] ruling based on not taking into account discovery standards set forth within Title 31 U.S.C. 3729 et seq. By Congressional Act, there is a complete section dedicated to discovery, that the Plaintiff believes, trumps parts of discovery rule of the Federal Rules of Civil Procedure, and the Federal Rules of Evidence. Local Rules are not mentioned." (3/29/04 Request at 2). As discussed above, the section of the FCA upon which Plaintiff relies only applies to civil investigative demands by the Attorney General, not to civil actions by qui tam plaintiffs. Thus, Plaintiff's motion for reconsideration on this ground is **DENIED**.

2. Plaintiff's Third-Party Subpoenas Are Unenforceable

Plaintiff's motions to compel production of documents from non-parties MetCalf and Kiewit were denied for failure to comply with Federal Rule 45. For the reasons discussed below, Plaintiff's motion for consideration of this portion of the March 17th order is **DENIED**.

Plaintiff contends that although Metcalf and Kiewit "were summarily dismissed for one thing or another by this Court, the dismissals should not have given them a pass from being future material witnesses or providing evidence, nor did it give a green light to purposely destroy evidence." (3/29/04 Request at 2). As an initial matter, Plaintiff has misstated the history of

this litigation. Plaintiff's FCA claims against these entities were dismissed over three years ago **without prejudice** for failure to plead fraud with the requisite particularity. (Docket Entry 59). The Court extended Plaintiff 60 days to file an amended complaint against these parties. (Id.). Plaintiff did not appeal this order and although Plaintiff did file an amended complaint, he only named the City of Los Angeles as a Defendant. (Docket Entry 71). Thus, it was Plaintiff, not the Court, that decided not to pursue this litigation against Metcalf and Kiewit.

Because Metcalf and Kiewit are not parties to this litigation, the magistrate judge properly ruled that Plaintiff's requests for production of documents from these entities must comply with Federal Rule 45. See FED. R. CIV. PROC. 34(c). Although Plaintiff did not attach the contested subpoenas, he appears to concede that his subpoenas did not comply with Rule 45. Plaintiff's argument is that section 3733 of the FCA excuses him from complying with Rule 45 and that he should not have to "go through the additional steps of subpoenas issued by other District Courts outside of the present venue to obtain discovery of acts the [sic] were allegedly committed in this venue." (3/29/04 Request at 2). As stated above, Plaintiff is incorrect. Neither Kiewit nor Metcalf is a party to this litigation and they have no obligation to voluntarily respond to improper discovery requests. Because this Court lacks the authority to compel compliance with a subpoena seeking the production of documents located outside of the Central District of California. see FED. R. CIV. PROC. 45(a), the magistrate

judge's order was neither clearly erroneous nor contrary to law. Accordingly, Plaintiff's motion for reconsideration is **DENIED**.

3. Defendant Has Complied With Its Discovery Obligations

Plaintiff's motion to compel discovery from Defendant City of Los Angeles was denied because the magistrate judge found that Defendant had satisfied its obligations under the Federal Rules. As to this ruling, Plaintiff has submitted his "comments." (3/29/04 Request at 5). For example, he queries: "Why would the Plaintiff go through all of this work, expense, and take up Court time seeking a Motion to Compel, if there wasn't an underlying problem? In all appearances the Court just doesn't want to believe the Plaintiff, and has quoted the Defendant in it's [sic] ruling." (Id.).

Although such comments are not a proper ground for reconsideration, after reviewing Defendant's detailed response it appears that Plaintiff is attempting to compel the production of documents that do not exist. Plaintiff seeks documents related to the Hyperion Wastewater Treatment Plant, a significant public works project. dating back nearly twenty years. After reviewing Defendant's responses to Plaintiff's requests, as well as its explanation as to how it searched for responsive documents, the Court finds that the magistrate judge's ruling was not erroneous.

Plaintiff does not dispute that Defendant produced for Plaintiff's inspection seventeen binders of billing records. Plaintiff also does not dispute that he, in fact, inspected these documents and was freely allowed to copy from the binders. Plaintiff argues that he should be allowed direct access to the City Controller's records and that he should be provided with records from a certain "Environmental Trust Fund." However, Plaintiff's requests for production named the City of Los Angeles and did not specifically seek records from any particular source. [2] An example request is: "Any and all DOCUMENTS which relate to. or reflect upon. Kiewit Pacific Company's request(s) for payment(s) of money to the CITY, for its services concerning the Hyperion Wastewater Treatment Plant, between January 1, 1987, and the present."
(Opp. Ex. 1 at 3). Although Defendant objected to this and similar requests as being vague and overbroad, Defendant also stated that "to the extent the request for production seeks documents relevant to the subject matter of the present litigation and to the statute of limitations issue to which the court has limited discovery, Defendant City of Los Angeles will comply with the request for production and will permit the requested inspection. (Id.).

Plaintiff admits that through subsequent faxes and phone calls he attempted to direct Defendant where to look for documents. (Reply at 5). However, Defendant was not obliged to simply hand over the City Controller's records or records of any particular department. Rather, Defendant was obliged to

review records in its possession, custody, and control to determine if any were responsive to Plaintiff's formal discovery requests or **if**, pursuant to Rule 26(a}(B), any of the documents could be used to support Plaintiff's claims. The Court agrees with the magistrate that Ms. Mowery was qualified to perform the required review and that Plaintiff has not produced any evidence to substantiate that Ms. Mowery filtered out **responsive** documents before producing the documents for Plaintiff's inspection.

[2] The Court notes that at the time this discovery was propounded, Plaintiff was represented by counsel.

Moreover, although Defendant responded that it would not produce privileged documents, to date, Defendant has not chosen to withhold any documents due to privilege. Thus, Plaintiff's objection that Defendant improperly asserted privilege is inaccurate. (Reply at 3). In addition, Defendant's responses to Plaintiff's interrogatories and requests for production are proper under1he applicable Rules and Plaintiff fails to explain why he deems them to be "unacceptable and in contempt of Court." (Id. at 3). To the extent that Plaintiff is objecting to Defendant's decision to respond to his interrogatories by providing him with direct access to the requested billing records, under these circumstances Defendant is permitted to answer by producing its business records for Plaintiff's inspection. See FED. R. CIV. PROC. 33(d). To the extent that Plaintiff objects to Defendant's. decision to limit its

review to Hyperion projects that were at least partially funded through state or federal grant monies, the Court agrees that this limitation on scope is appropriate. Plaintiff's remaining claim in this litigation is that Defendant submitted false claims for payment to the federal government. Records related to self-funded projects, i.e. projects that were not paid for out of grant funds or that did not involve the submission of claims for payment to the federal government, are simply not within the scope of this litigation nor within the scope of the limited discovery ordered by this Court.

For the reasons set forth above, Plaintiff's motion for reconsideration of the magistrate judge's March 17, 2004 order is **DENIED**.

E. PLAINTIFF'S MOTION TO REOPEN DISCOVERY

Plaintiff also has pending a motion to reopen discovery. Plaintiff's arguments for reopening discovery are based upon many of the same contentions set forth in his motion for reconsideration of the magistrate judge's March 17th order, namely that Defendant has been "stonewalling." (Mot. to Reopen at 3). For support, Plaintiff asks the Court to "examine and assess" a February 8, 1988 letter referencing a contract between Defendant and Metcalf to develop training for the Hyperion plant. (Id. Ex. G-5). Plaintiff appears to take the position that because the bills related to this contract were not included in the discovery provided to Plaintiff, Defendant has

not complied with its discovery obligations. Plaintiff contends that this letter is proof that "Metcalf & Eddy was a Training sub contractor as outlined in the Complaint and, in fact, was awarded for starters, as shown, $10,053,733." (Id. at 4).

However, the primary issue in this litigation is not whether Metcalf was a subcontractor on the Hyperion training project, but whether Metcalf was paid for its services out of federal funds. The letter clearly states that the project was to be initially funded through bonds and then the Wastewater Capital Improvement Program - not the federal government or federal government grant funds (or even the "Environmental Trust Fund" that Plaintiff often references). Defendant is only obligated to produce documents related to training contracts that were funded, at least in part, by the federal government Because Plaintiff has not shown that the contract referenced in the 1988 letter was even partially federally funded, the letter does not provide good cause for modifying the Court's scheduling order and reopening discovery. Accordingly, Plaintiff's motion is **DENIED**.

In addition, the Court hereby places Defendant's pending summary judgment motion back on calendar. Plaintiff may file a new opposition on or before **Monday, September 27,2004.** Defendant may file a reply on or before **Monday, October 4, 2004.** The hearing in this matter will take place on **Monday, October 18,2004 at 9:30 a.m.**

IT IS SO ORDERED.

APPENDIX R

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES-GENERAL

Case No. CV 00-8882-GAF (PLAx) Date March 17, 2004

Title: Satalich v. City of Los Angeles

☐ U.S. DISTRICT JUDGE

PRESENT: THE HONORABLE - PAUL L. ABRAMS

☐ MAGISTRATE JUDGE

Christianna Howard	N/A	N/A
Deputy Clerk Court	Reporter / Recorder	Tape No.

ATTORNEYS PRESENT FOR PLAINTIFFS:
NONE

ATTORNEYS PRESENT FOR DEFENDANTS:
NONE

PROCEEDINGS: (IN CHAMBERS)

The Court is in receipt of plaintiff's Motions to Compel as to third party Kiewit Pacific Co., third party Metcalf & Eddy, Inc., and defendant City of Los Angeles, all submitted to the Court on March 12, 2004. The Motions are denied without prejudice for failure to comply with Local Rule 37, and the hearing

noticed for March 30, 2004, is ordered off calendar. The documents attached to each Motion, which plaintiff apparently faxed to the third parties and defendant on March 3, 2004, are inadequate to relieve plaintiff of his responsibility to seek to arrange a meet and confer conference, do not advise the opposing party that it shall confer with plaintiff within ten days of service upon him of the letter requesting such a conference, and do not identify the issues in dispute or provide any legal authority that plaintiff believes is dispositive of the dispute. Neither does it appear that plaintiff attempted to formulate a joint stipulation concerning the issues involved, and he failed to submit a declaration under Local Rule 37-2.4 that would relieve him of filing a joint stipulation.

The Motions are also denied without prejudice for the following additional reasons:

A. Third Party Subpoenas

Plaintiff seeks to compel the production of documents pursuant to two subpoenas directed to third parties. First, plaintiff has failed to provide any proof that the subpoenas were properly served on the third parties. Next, it appears that plaintiff has failed to abide by the procedures concerning subpoenas set forth at Federal Rule of Civil Procedure 45. Pursuant to Rules 45(a) (2) and 45(b)(2), a subpoena for production or inspection "shall issue from the court for the district in which the production or inspection is to be made," and "may be served at any place within the district of the court by which it is issued,

or at anyplace without the district that is within 100 miles of the place of . . . production, or inspection specified in the subpoena . . ."

The subpoenas in this case were apparently issued by the court in the Central District of California, but intend to compel production from third parties located in Massachusetts and Nebraska. As such, they do not appear to be proper. See. e.g. Mabe v. San Bernardino County. Department of Public Social Services. 237 .F.3d 1101, 1112 (9th Cir. 2001) (plaintiff "failed to comply with a local rule requiring a joint stipulation with [defendant] an~failed to comply with Fed.R.Civ.P. 45(a)(2) which requires that the subpoena issue from the federal district in which the school [in possession of the records] is located."). Finally, Rule 45

(c)(2)(B) allows enforcement of a subpoena following objections only "pursuant to an order of the court by which the subpoena was issued," and Rule 45(e) provides that failure to obey a subpoena may be deemed contempt "of the court from which the subpoena issued." See In re Sealed Case, 141 F.3d 337, 341 (D.C. Cir. 1998). Since the subpoenas here appear to seek documents from entities located in other states, they should have issued from district courts in those states, and this Court is without authority to order the parties to comply with their terms.

B. City of Los Angeles

It appears from plaintiff's Motion and defendant's responses to plaintiff's Request for Production of Documents that defendant

has met its obligations by: 1. permitting inspection of those documents relevant to the subject matter of the present litigation and to the statute of limitations issue to which the District Court has limited discovery (Fed.R.Civ.P. 34(b)), or 2. verifying that it made a diligent search and reasonable inquiry for the requested items but is unable to comply because the documents never existed or, if they did exist, have been lost or destroyed. Defendant has responded to plaintiff's special interrogatories by allowing plaintiff a reasonable opportunity to examine, audit or inspect those unprivileged documents that are relevant to the subject matter of the present litigation and to the statute of limitations issue to which the District Court has limited discovery, in compliance with Rule 33(d) of the Federal Rules of Civil Procedure.

Despite the Court's ruling in this matter, the Court notes that Rule 26(a)(B) of the Federal Rules of Civil Procedure requires, without awaiting a discovery request, a party to provide to the other party a copy of all documents in its possession, custody, or control that the disclosing party "may use to support its claims or defenses." To the extent it has not already done so, defendant shall produce all documents relevant to the statute of limitations question no later than March 30, 2004. To the extent plaintiff may seek to meet and confer with counsel for defendant and/or counsel for the third parties at issue herein, the Court orders that counsel fully comply with their obligations under Local Rule 37.

Plaintiff s desire to extend discovery to at least May 30, 2004, and for the Court to grant discovery broader than that allowed pursuant to the District Court's Order of October 6, 2003, should be addressed to the District Court.

cc: Hon. Gary A. Feess
Miro J. Satalich, Pro Se
Allen B. Felahy, Esq.
Leslie E. Brown, Esq.
Michael L. Claessens, Esq.
Robert Cramer, Esq.
Vivienne Alexis Swanigan-Crenshaw, Esq.
Thomas S. Salinger, Esq.
Treg A. Julander, Esq.
Patrick John Duffy, III, Esq.
Steven B. Copeland, Esq.
Steven Y. Han, Esq.

APPENDIX S

PSend

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES - GENERAL

Date: June 6, 2001

Case No. CV 00-08882-GAF (AIJx)

Title: The United States, ex rel. Satalich v. City of Los Angeles, et al.

THE HONORABLE GARY A. FEESS, JUDGE

Marilynn Morris	None Present
Courtroom Deputy Clerk	Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFFS:
None Present

ATTORNEYS PRESENT FOR DEFENDANTS:
None Present

PROCEEDINGS: (In Chambers)

On April 26, 2001, the Court stayed the proceedings in this matter pending assessment of whether the case should be transferred to Judge Pregerson. Having completed this assessment, the Court has concluded that this case should not be transferred. Accordingly, the stay of proceedings is hereby lifted.

1. Pending Motions

The Court is in receipt of the following pending motions:

1. Defendant Kiewit-Pacific Company's Motion to Dismiss, and Plaintiff's Opposition thereto.

2. Defendant City of Los Angeles' Motion to Dismiss, and Plaintiff's Opposition thereto.

3. Defendant Metcalf & Eddy Services' Motion to Dismiss, and Plaintiff's Opposition thereto.

4. The Government's ex parte application for order granting leave to file an amicus curiae brief in opposition to Defendant City of Los Angeles' Motion to Dismiss.

As an initial matter, the Government's ex parte application for order granting leave to file an amicus brief is **DENIED**. The United States had the opportunity to participate in this litigation, but declined to do so. The Court sees no reason now to permit the government to participate in this matter, in light of its previous stance.

The Reply Briefs in the remaining motions to dismiss shall be filed no later than Monday, July 9, 2001. Accordingly, all pending motions to dismiss will be heard on Monday, Jury 16, 2001, at 9:30 AM, in Courtroom 740 of the Roybal Federal Building, 255 E. Temple St.

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CIVIL– GEN Initials of Courtroom Deputy Clerk___

Finally, the Court notes that Plaintiff has bombarded it with various pleadings since the inception of this lawsuit. This is unacceptable. Plaintiff shall not file any additional pleadings, except that contemplated in this Minute Order, until instructed to do so.

IT IS SO ORDERED

Submitted by:

Signed/_____, Date: April 12, 2005

Miro J. Satalich
P.O. Box 93314
Phoenix, Arizona 85070
(480) 283-0355